

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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Computer Task Group,

Plaintiff,

v.

**ORDER**  
13-CV-1004S

Heath Datastream Inc. and Russell W. Bessette,

Defendants.

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The parties in this matter agree that:

1. On October 11, 2013, Plaintiff Computer Task Group (“CTG”) filed a Motion for a Temporary Restraining Order and Preliminary Injunction (Docket Item No. 8 (the “Motion for Injunctive Relief”)) against Defendants Health Datastream, Inc. (“HDS”) and Dr. Russell W. Bessette (“Dr. Bessette”) in regard to intellectual property contained in U.S. Patent Application No. 13/487,112 entitled “System and Method for Scoring Illness Complexity to Predict Healthcare Costs,” the computer software known as “Know Your Colors,” and any other intellectual property related to them.

2. Defendants HDS and Dr. Bessette have not yet fully responded to Plaintiff CTG’s Motion for Injunctive Relief.

3. Plaintiff CTG and Defendants HDS and Dr. Bessette agree that the parties’ interests are best served by exploring potential resolution of the issues at this time, rather than litigating the Motion for Injunctive Relief. Therefore, the parties wish to stipulate to a preliminary injunction for a period of 45 days and hold the Motion for Injunctive Relief in abeyance for 45 days so that resolution of this matter may be pursued.

4. Plaintiff CTG's Motion to File Documents Under Seal (Docket Item No. 9 ("Motion to Seal")) and Plaintiff's Motion for Expedited Hearing on Motion for Temporary Restraining Order and Preliminary Injunction (Docket Item No. 10 ("Motion to Expedite")) should likewise be held in abeyance for 45 days so that resolution of this matter may be pursued.

Accordingly, IT HEREBY IS ORDERED THAT:

a. Defendants Health Datastream, Inc. and Dr. Russell W. Bessette, their agents, officers, employees, successors, assignees and all persons acting in concert with them or on their behalf, are enjoined from selling, transferring, pledging, assigning, licensing or otherwise disposing of or encumbering any right, title or interest they have in and to the intellectual property contained in U.S. Patent Application No. 13/487,112, entitled "System and Method for Scoring Illness Complexity to Predict Healthcare Costs," the computer software known as "Know Your Colors," and any other intellectual property related to them, during the pendency of this action and subject to the time limit described immediately below (the "Stipulated Preliminary Injunction").

b. The Stipulated Preliminary Injunction will remain in force and effect for a period of 45 days from the entry of this Order or until the parties reach a resolution of this action, whichever occurs first.

c. If this action is not settled within 45 days of entry of this Order, Plaintiff Computer Task Group may ask that the Court place the Motion for Injunctive Relief, the Motion to Seal, and the Motion to Expedite back on the active docket and set a schedule for briefing and submission thereon.

d. The status conference scheduled for December 2, 2013 is adjourned until January 17, 2014 at 9:00 AM.

SO ORDERED.

Dated: November 13, 2013  
Buffalo, New York

s/William M. Skretny  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court